

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

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No. 6:22-cv-00457

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**Santiago Mason Gomez,**  
*Plaintiff,*

v.

**Odunay O. Kuku et al.,**  
*Defendants.*

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**ORDER**

Plaintiff Santiago Mason Gomez, proceeding pro se and *in forma pauperis*, filed this civil-rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b). Doc. 3.

On January 9, 2023, the court severed and transferred several of plaintiff's claims to other courts for proper venue. Doc. 13. On January 12, 2023, the magistrate judge issued a report recommending that the claims remaining before this court be dismissed with prejudice for failure to state a claim pursuant to 28 U.S.C. §§ 1915A(b)(1) and 1915(e)(2)(b). Doc. 15. Plaintiff filed written objections. Docs. 18, 19.


The court reviews the objected-to portions of a magistrate judge's report and recommendation de novo. *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The magistrate judge recommended dismissal because plaintiff's claim that Warden Marshall had falsely declared him dead as part of a conspiracy with defendant Enjosa to "feed [plaintiff] to Black inmates" to be killed is delusional and is not supported by any specific facts that would support a claim for any constitutional violation. Doc. 15 at 5–7.

Plaintiff's objections do not identify any specific error in the magistrate judge's analysis. They are vague, rambling accounts of a general perception of danger, including events alleged to have taken place in prisons within other venues and involving individuals who

are not parties before this court. Plaintiff elaborates on his allegation that Warden Marshall announced through a speaker or radio that the plaintiff had died of COVID-19 (Doc. 19 at 3–4), but he does not dispute the magistrate judge’s conclusion that this allegation fails to state a claim for which relief can be granted. He also alleges now that defendant Enjosa “said [he] died in the shower” (*id.* at 5), but he does not allege any plausible facts that would raise that claim to the level of a constitutional violation.

Having reviewed the magistrate judge’s report de novo and being satisfied that it contains no error, the court overrules plaintiff’s objection and accepts the report’s findings and recommendation. This case is dismissed with prejudice for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. §§ 1915A(b)(1) and 1915(e)(2)(b).

*So ordered by the court on March 6, 2023.*

  
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J. CAMPBELL BARKER  
United States District Judge